IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 323 of 2006 (S/B)

Sri Haribilas Upreti s/o late Sri D.D. Upreti,
R/o Village Binda, Digalichaur,
District Champawat ..... Petitioner

Versus

1. State of Uttaranchal through Secretary,
   Co-operative Department,
   Uttaranchal Shasan,
   Dehradun.
2. Registrar, Co-operative Societies,
   Uttaranchal, Dehradun.
3. Registrar, Co-operative Societies,
   Lucknow, U.P. ..... Respondents

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Sri Manoj Tiwari and Sri Alok Mehra, Advocates for the petitioner.
Sri J.P.Joshi, Additional Chief Standing Counsel for respondents 1 and 2.
Smt. Beena Pande, Standing Counsel (U.P.Govt.) for respondent no. 3.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Sri Manoj Tiwari and Sri Alok Mehra, Advocates for the petitioner.

Sri J.P.Joshi, Addl. Chief Standing Counsel for respondents 1 and 2.

Smt. Beena Pande, Standing Counsel (U.P.Govt.) for respondent no. 3.

They are heard.

2. Sri J.P.Joshi, the learned Additional Chief Standing Counsel for respondents 1 and 2 has raised as preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filling a claim petition before the Public Services Tribunal for the redressal of the grievances projected in the writ petition.

3. Petitioner Haribilas Upreti has filed this writ petition on 08.11.2006 for the following reliefs:

> " A. To issue a writ, order or direction in the nature of certiorari for quashing the impugned order darted 10.10.2006 passed by respondent no. 1 (Annexure 8 to the writ petition).

B. To issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

C. Award the cost of the writ petition in favour of the petitioner."

3. In the short counter affidavit filed on behalf of respondents 1 and 2, the preliminary objection about the maintainability of the writ petition on the ground of alternative efficacious remedy has been raised.

4. Sri Manoj Tiwari, the learned counsel for the petitioner has failed to demonstrate as to why the Public Services Tribunal is not competent to entertain the dispute raised by the petitioner in the writ petition.

4. In the view of the matter and following the Division Bench decisions of this Court in the cases of **Bhuwan Chandra Pandey and others Vs. State of Uttaranchal and others** reported in **2006 (2) U.D. 439** and **Nanda Ballabh Pant Vs. State of Uttaranchal and others (W.P.No. 257 (S/B) 2005),** we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

5. The writ petition, is liable to be dismissed and is hereby dismissed with the liberty to the petitioner to avail the alternative remedy of filing a claim petition before the Public Services Tribunal.

6. Consequently, CLMA No. 13677 of 2006 stands disposed of.

(J.C.S.Rawat, J.) **(Rajeev Gupta, C. J.)**
21.03.2007 21.03.2007

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